

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNIVERSITY OF TENNESSEE RESEARCH )  
FOUNDATION, )

Plaintiff, )

v. )

No. 3:19-CV-508-CEA-DCP

CAELUM BIOSCIENCES, INC., )

Defendant. )

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the parties' Joint Motion to Modify Procedure for Requesting Leave of the Court to Seal Confidential Information [Doc. 390]. The parties submit that modifying the Court's Memorandum and Order Regarding Sealing Confidential Information [Doc. 7] will help them to comply with the Court's Order [Doc. 379] to work together on motions to seal. The parties have proposed a procedure for filing joint motions to seal.

The Court finds the Joint Motion well taken and will allow the parties to proceed as proposed but with slight modifications to account for CM/ECF sealing capabilities. The Court therefore **ORDERS** as follows:

1. Consistent with Local Rule 26.2(b), the party filing a document that will be subject to a later joint motion to seal certain information will file a motion using the motion for leave to seal event in CM/ECF requesting temporary placement of the document under seal pending a ruling on the parties' forthcoming joint motion.
2. Consistent with Paragraph 3 of the Court's Memorandum and Order Regarding Sealing Confidential Information [Doc. 7], the sealed filing will have all proposed redacted portions (confidential

portions) of the document highlighted using a legible text highlight color, to enable the Court to identify and review those confidential portions of the document that the moving party is asking to be sealed.

3. Within three (3) days of any such sealed filing, the filing party will prepare a draft joint motion identifying the redactions the filing party is requesting remain sealed and providing the proposed bases to seal that information. The filing party will then send the draft joint motion to counsel of record for the other Party, and pursuant to the Court's October 24, 2023 Order [Doc. 386], the filing party will also send the draft joint motion to counsel of record for Columbia University (for any filings relating to information designated by Columbia University pursuant to the Protective Order).
4. Within three (3) days of receiving the draft joint motion described in the above Paragraph 3—*i.e.*, no more than six (6) days after the sealed filing—counsel for the other party and counsel for Columbia University shall provide to counsel for the filing party their portions of the joint motion that will contain any of the following: (1) a statement of non-opposition to the filing party's request; (2) any explanation and bases supporting any request by the non-filing party to permit that party's information to remain under seal; and/or (3) any explanation and bases opposing the filing party's request to seal certain information
5. Within one (1) day of receiving the other party and/or Columbia University's portion of the joint motion—*i.e.*, no more than seven (7) days after the sealed filing—counsel for the filing party will finalize the draft joint motion and file it with the Court along with redacted versions of any documents filed under seal. The joint motion and the redacted versions of sealed documents will be filed on the public docket in this case.<sup>1</sup> To the extent that any highlighted sealed document (*see* Step No. 1) contains highlights that are no longer applicable or additional highlights are necessary, the parties shall file an updated highlighted sealed version of this document.

The Court therefore **GRANTS** the Joint Motion [**Doc. 390**], and the parties should utilize the above procedure moving forward. The Court further **ORDERS** the parties to utilize the above procedure with respect to the documents filed on October 26, 2023. Therefore, the Court

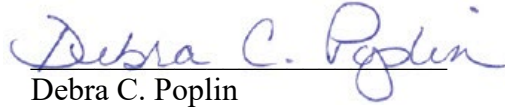
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<sup>1</sup> If a redacted version already exists on the public record, the parties shall reference the existing docket entry of the redacted document in their joint motion.

**GRANTS** the motions to seal [**Docs. 393, 396, 399, 402**] and **DIRECTS** the Clerk's Office to convert [**Docs. 394, 397, 400, and 403**] into **SEALED** entries pending the parties' forthcoming joint motion by the parties as outlined above.

**IT IS SO ORDERED.**

ENTER:

  
Debra C. Poplin  
United States Magistrate Judge